

Notice of Allowability

Application No.

10/700,943

Examiner

Madeline Gonzalez

Applicant(s)

STAUFFER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 21 March 2005.
2. ☒ The allowed claim(s) is/are 1,5-8 and 12.
3. ☒ The drawings filed on 31 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows in order to provide a proper status identifier for claims 3, 4, 10 and 11, i.e., "previously canceled" has been replaced with --canceled--:

1. (currently amended) A linear measuring device comprising:

a tape housing having an outer surface, a tape outlet opening and inner volume;

a generally semi-flexible measuring tape housed within said tape housing in a generally spiral configuration with an outer end extendable through said tape outlet opening;

an extendable generally flat planar rear tail having an outer end and an inner end and a fixed length as measured between said outer end and said inner end, said rear tail movably mounted on said tape housing generally opposite said tape outlet opening, said rear tail operative to project outwards from said tape housing;

a generally flat planar forward tongue having inner and outer ends, said inner end of said forward tongue hingedly mounted on said outer end of said measuring tape with said forward tongue extending forwards therefrom, said forward tongue being pivotable between a retracted position in general parallel alignment with and contacting said measuring tape and an extended position extending outwards generally parallel with said measuring tape, said outer end of said forward

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tongue being generally free of projecting objects mounted thereon whereby said outer end of said forward tongue is operative to be extended into narrow openings;

at least two sets of measurements displayed on said measuring tape, an outer measurement of said at least two sets of measurements displaying the total extended distance of said measuring tape from said outer end to said tape outlet opening, an inner measurement of said at least two sets of measurements displaying the total distance between said outer end of said rear tail and said outer end of said forward tongue such that outer and inner measurements are simultaneously displayed on said measuring tape; and

said inner measurement including the length of said rear tail plus the length of said forward tongue plus the length of said tape housing between said tape outlet opening and the connection of said rear tail to said tape housing plus the total extended distance of said measuring tape from said outer end to said tape outlet opening ($L_{\text{Rear Tail}} + L_{\text{Forward Tongue}} + L_{\text{Tape Housing}} + L_{\text{Tape}}$) whereby the total distance between the outer end of said rear tail and said outer end of said forward tongue is shown by said inner measurement free of addition of the individual length measurements of each of the rear tail, forward tongue, tape housing and measuring tape.

2. (canceled).

3. (canceled).

4. (canceled).

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5. (original) The dual option tape measure of claim 1 wherein said inner end of said rear tail is hingedly mounted on said tape housing generally adjacent the lower surface of said tape housing, said rear tail pivotable between a retracted position generally adjacent said tape housing and an extended position generally parallel with said outer end of said measuring tape in the opposite direction therefrom.

6. (original) The dual option tape measure of claim 1 wherein said inner end of said rear tail is retractably mounted within said tape housing with said outer end of said rear tail extending partially outwards from said tape housing when said rear tail is housed within said tape housing such that said outer end of said rear tail may be engaged to withdraw said rear tail from said tape housing thereby moving said rear tail into an extended position generally parallel with said outer end of said measuring tape in the opposite direction therefrom.

7. (original) The dual option tape measure of claim 1 wherein:

said forward tongue is hingedly mounted on said outer end of said measuring tape;

said inner end of said rear tail is hingedly mounted on said tape housing generally adjacent the lower surface of said tape housing; and

said hinged connection of said forward tongue and said hinged connection of said rear tail each including hinge stop means to restrict rotation of said forward tongue and said rear tail beyond an extended position for each wherein both said forward tongue and said rear tail are generally parallel with said outer end of said measuring tape for facilitating accurate measuring of inner measurements of objects to be measured.

8. (currently amended) A linear measuring device comprising:

a tape housing having an outer surface, a tape outlet opening and inner volume;

a generally semi-flexible measuring tape housed within said tape housing in a generally spiral configuration with an outer end extendable through said tape outlet opening;

an extendable generally flat planar rear tail having an outer end and an inner end and a fixed length as measured between said outer end and said inner end, said rear tail pivotably mounted on said tape housing generally opposite said tape outlet opening, said rear tail operative to project outwards from said tape housing;

a generally flat planar forward tongue having inner and outer ends, said inner end of said forward tongue pivotably mounted on said outer end of said measuring tape, said outer end of said forward tongue being generally free of projecting objects mounted thereon whereby said outer end of said forward tongue is operative to be extended into narrow openings, said forward tongue pivotable between a retracted position contacting said measuring tape and an extended position extending outwards from said measuring tape;

at least two sets of measurements displayed on said measuring tape, an outer measurement of said at least two sets of measurements displaying the total extended distance of said measuring tape from said outer end to said tape outlet opening, an inner measurement of said at least two sets of measurements displaying the total distance between said outer end of said rear tail and said outer end of said forward tongue such that outer and inner measurements are simultaneously displayed on said measuring tape: and

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said inner measurement including the length of said rear tail plus the length of said forward tongue plus the length of said tape housing between said tape outlet opening and the connection of said rear tail to said tape housing plus the total extended distance of said measuring tape from said outer end to said tape outlet opening ($L_{\text{Rear Tail}} + L_{\text{Forward Tongue}} + L_{\text{Tape Housing}} + L_{\text{Tape}}$) whereby the total distance between the outer end of said rear tail and said outer end of said forward tongue is shown by said inner measurement free of addition of the individual length measurements of each of the rear tail, forward tongue, tape housing and measuring tape.

9. (canceled).

10. (canceled).

11. (canceled).

12. (new) A linear measuring device comprising:

a tape housing having an outer surface, a tape outlet opening and inner volume;

a generally semi-flexible measuring tape housed within said tape housing in a generally spiral configuration with an outer end extendable through said tape outlet opening;

an extendable generally flat planar rear tail having an outer end and an inner end and a fixed length as measured between said outer end and said inner end, said rear tail movably mounted on said tape housing generally opposite said tape outlet opening, said rear tail operative to project outwards from said tape housing;

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a generally flat planar forward tongue having inner and outer ends, said inner end of said forward tongue hingedly mounted on said outer end of said measuring tape with said forward tongue extending forwards therefrom, said forward tongue being pivotable between a retracted position in general parallel alignment with and contacting said measuring tape and an extended position extending outwards generally parallel with said measuring tape, said outer end of said forward tongue being free of projecting objects mounted thereon whereby said outer end of said forward tongue is operative to be extended into narrow openings;

at least two sets of measurements displayed on said measuring tape, an outer measurement of said at least two sets of measurements displaying the total extended distance of said measuring tape from said outer end to said tape outlet opening, an inner measurement of said at least two sets of measurements displaying the total distance between said outer end of said rear tail and said outer end of said forward tongue such that outer and inner measurements are simultaneously displayed on said measuring tape.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeline Gonzalez whose telephone number is (571) 272-2243. The examiner can normally be reached on Monday-Friday (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MG



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